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6 Attorney for Leviathan Michael Woodley

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 LEVIATHAN MICHAEL WOODLEY,

14 Defendant.
15

Case No. 2:21-mj-00950-DJA

ORDER TO CONTINUE
BENCH TRIAL
(Fifth Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and Between Jason M. Frierson,
17 United States Attorney, and Imani Dixon, Assistant United States Attorney, counsel for the
18 United States of America, and Rene L. Valladares, Federal Public Defender, and Navid
19 Afshar, Assistant Federal Public Defender, counsel for Leviathan Michael Woodley, that
20 the bench trial currently scheduled on April 12, 2023, be vacated and continued to a date and
21 time convenient to the Court, but no sooner than forty-five (45) days.

22 This Stipulation is entered into for the following reasons:

- 23 1. Counsel needs time to conduct specific investigation related to client's
24 concern.
25 2. There were communication issues that have since been resolved and counsel
26 has been in contact with the defendant.

1 3. The parties are very close to obtaining a final resolution or making a
2 determination whether to proceed to trial.

3 4. The defendant is not incarcerated and does not object to the continuance.

4 5. Counsel does not anticipate any further continuances, absent unforeseen
5 circumstances.

6 6. Additionally, denial of this request for continuance could result in a
7 miscarriage of justice. The additional time requested by this Stipulation is excludable in
8 computing the time within which the trial herein must commence pursuant to the Speedy Trial
9 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title
10 18, United States Code § 3161(h)(7)(B)(iv).

11 7. The parties are asking for 45 days because counsel for the government will be
12 out of the jurisdiction May 8 – 19, 2023 and counsel for the defendant has a jury trial that is
13 proceeding May 8, 2023.

14 This is the fifth request for a continuance of the bench trial.

15 DATED this 7th day of April, 2023.

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17 RENE L. VALLADARES
18 Federal Public Defender

 JASON M. FRIERSON
 United States Attorney

19 By /s/ Navid Afshar
20 NAVID AFSHAR
21 Assistant Federal Public Defender

 By /s/ Imani Dixon
 IMANI DIXON
 Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEVIATHAN MICHAEL WOODLEY,

Defendant.

Case No. 2:21-mj-00950-DJA

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel needs time to conduct specific investigation related to client's concern.
2. There were communication issues that have since been resolved and counsel has been in contact with the defendant.
3. The parties are very close to obtaining a final resolution or making a determination whether to proceed to trial.
4. The defendant is not incarcerated and does not object to the continuance.
5. Counsel does not anticipate any further continuances, absent unforeseen circumstances.
6. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code § 3161(h)(7)(B)(iv).

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

ORDER

DATED this 10th day of April, 2023.

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